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C O N F I D E N T I A L SECTION 01 OF 02 ISTANBUL 000298

SIPDIS

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SUBJECT: ISTANBUL COURT HANDS DOWN INDICTMENTS IN BOMBING CASE

REF: A. 2003 ISTANBUL 1760

[B](#). 2003 ISTANBUL 1703 & 1711

[C](#). 2003 ISTANBUL 1744 & 1752

Classified By: Consul General David Arnett for Reasons 1.5(b&d)

[1](#)1. (U) Summary: Prosecutors at Istanbul's State Security Court on February 25 formally indicted 69 alleged conspirators in November's 4 terrorist attacks. Approximately 50 of the accused are now in custody. However, a number of key figures, including the alleged leader of the Turkish al-Qaida cell, Habib Aktas, remain at large. Prosecutors indicated that the case against these individuals will be handled separately. The indictment seeks life imprisonment for five of the suspects, and terms ranging from 4.5 years to 22.5 years for the remainder. End Summary.

[1](#)2. (U) A Longstanding Plot: Based on what we have learned from news sources, the 128-page indictment describes a long-standing plot that developed over the course of a year and a half. It suggests that the initial idea came from Habib Aktas, who it describes as the head of the "Turkish section" of al-Qaida, and asserts that he gained al-Qaida approval for his plan to stage attacks in Turkey after establishing contact with Al-Misri, head of the military branch of al-Qaida. Initial targets included Incirlik Air Force Base and an Israeli vessel in Alanya, but these targets were ultimately deemed too difficult. (Separate press reports cite Israeli intelligence officials as stating that the Israeli Consulate in Istanbul was also initially targeted, but abandoned it as it was also "too hard a target.") The indictment states that the attacks cost 150,000 USD, two-thirds of which came from al-Qaida members in Europe and the remainder from members in Iran. Two indictees, Adnan Ersoz and Baki Yigit, allegedly met with Usama Bin Laden in Qandahar before 9/11; others were trained in al-Qaida camps in Afghanistan and Pakistan.

[1](#)3. (U) The indictment notes that members of the al-Qaida cell held a "Vahabi-Selefi" (Wahhabi-Salafi) version of Islam, which promotes a fundamentalist approach of literal interpretation of the Koran, does not consider Turks as Muslims and views Turkey itself as a "dar-ul harp" ("house of war"), or country against which jihad is legitimate.

[1](#)4. (U) Charges: In the final part of the indictment, the five members of the organization's leadership committee (Yusuf Polat, Adnan Ersoz, Fevzi Yitiz, Harun Ilhan and Osman Eken) are charged with "attempting by force to abolish the constitutional system," with a penalty of life imprisonment without the possibility of parole. Two other defendants, Metin Ekinici and Suleyman Ugurlu (brother of one of the suicide bombers) are charged with "participation in an attempt by force to abolish the constitutional system." They face potential sentences of 7.5 to 22.5 years. Two other defendants, Baki Yigit, who claimed to have met Bin Laden, and Seyit Ertul, who claimed to be the head of the Konya branch of the organization, were charged with "leadership of an illegal organization" and face a sentence of 22.5 years. 45 of the remaining defendants are charged with "membership in an illegal organization" and face 15 to 22.5 years, while the remaining 15 defendants are charged with "aiding and abetting" the organization and face a lesser penalty of 4.5 to 7.5 years. The files of Aktas and those of his colleagues who are still at large were separated from the files of those in custody, and will be pursued separately.

[1](#)5. (U) Post is working with the security court to obtain a full text of the indictment and will forward it to Washington on receipt.

[1](#)6. (C) Embassy Comment: Sources in the intelligence branch of Turkish National Police in Ankara have told us one of the

problems is a lack of files on an estimated several hundred Turks who reportedly received al-Qaida type training in Pakistan or Afghanistan. They say part of the problem was a personnel shuffle carried out by the new AK Party government which sent experienced police intel officers from Istanbul to the provinces and at the same time a quiet policy of easing up on preventive measures against various radical Islamist groups. While the indictment implies that the security services have the case well in hand, our sources are concerned that serious gaps remain in the effort to gain a grip on terrorist groups in Turkey.

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